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One of us was a prisoner. The other was a guard. It's clear to both of us we need reform

Our nation's sentencing policies leave little hope for redemption and exacerbate problems with crime. Let's fix that by building on reforms that succeeded in red and blue states alike.

Mark Holden and Bill Underwood Opinion contributors

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FAQs
It can't be said often enough that she's the first Black woman in the 233 year

Will Ketanji Brown Jackson's confirmation shake up the Supreme Court? Here's what we know.

Judge Ketanji Brown Jackson has been confirmed as the first Black woman to sit on the Supreme Court, that's not the only reason she's making history. *Just the FAQs, USA TODAY*

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Judge Ketanji Brown Jackson's confirmation proceedings elevated a debate about the nuances of federal sentencing policy to a rare level of public visibility. But missing from that discussion is recognition of the overwhelming recognition among lawmakers that federal mandatory sentences are often too long, incarcerate people with no or little criminal history and have a disproportionate impact on communities of color.

There are multiple pieces of sentencing reform legislation with broad, bipartisan support pending in the Senate that would build on the legacies of both Presidents Donald Trump and Barack Obama – and would give thousands of incarcerated people a second chance at freedom. Majority Leader Chuck Schumer and Minority Leader Mitch McConnell should work together to pass the bills on the Senate floor.

Legislators must not squander this opportunity. Take it from us – two people with vastly different experiences with our criminal justice system. One of us is a formerly incarcerated person who was sentenced to life without parole and served 33 years in federal prison. The other was a prison guard in college and became the general counsel of Koch Industries.

My poor decisions landed me in prison. Now I'm making the most of my second chance.

Mark Holden, left, is chairman of the board of the Americans for Prosperity Foundation and Americans for Prosperity. Bill Underwood, right, is a senior fellow at The Sentencing Project for the Campaign to End Life Imprisonment and previously served 33 years in federal prison. *Courtesy Of Americans For Prosperity Foundation and The Sentencing Project*

Despite our differences, we both wholeheartedly believe America's sentencing policies are far too extreme, leave little hope for redemption and exacerbate problems with crime in our neighborhoods. They must be changed. Let's build on the reforms that have shown to be effective in red states, blue states and at the federal level.

An over-incarceration problem

It's important to understand just how harsh the U.S. criminal legal system is. Our courts dole out some of the longest punishments in the entire world. More than 200,000 people in the United States are serving life sentences and have virtually no hope of getting out. And between 1986 and 2016, the average time spent incarcerated for a federal drug offense more than tripled.

Largely due to these extreme sentences, there are more than 156,000 people in federal prisons today – representing a 535% increase since 1980.

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Despite our propensity to use long prison sentences, rigorous research shows they have no significant effect on public safety. Long sentences also don't significantly deter people from committing crimes.

It's incredibly costly to keep people behind bars when they pose little to no threat to public safety. This diverts precious dollars from investments that could actually prevent crime or enable law enforcement to solve more cases.

Hope for bipartisan solutions

Fortunately, there are several pieces of legislation with diverse support moving through the Senate that would help curb extreme sentences. All of them build on the First Step Act, a historic law Trump signed in December 2018.

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The law reduced sentences for certain drug crimes and expanded compassionate release for those who pose little to no risk to public safety. So far, this legislation has allowed more than 8,000 people in prison to come home early.

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If not for this law, one of us would likely never have come home at all.

A new bill, the First Step Implementation Act, would ensure fairness by applying the sentencing reductions enacted in 2018 to people incarcerated under the old sentencing regime. People who would have received a shorter sentence if they were found guilty today would now be able to petition a federal judge for a sentence review that would incorporate input from prosecutors, federal public defenders and victims. The legislation would also allow courts to consider sentence reductions for people who committed crimes under the age of 18 and have served at least 20 years behind bars.

So many questions: Elon Musk could help change the fabric of American society. Instead he bought Twitter.

Another bill in the package, the COVID-19 Safer Detention Act, would ensure that elderly and vulnerable incarcerated people could be released from prison or placed in home confinement where they can be with their families and receive better health care treatment. That's crucial, especially as experts predict COVID will not be the last pandemic we face as a country. The bill is not an automatic release from prison either. Judges would have to consider many factors, including the seriousness of the offense before anyone could go back to their community.

Finally, the EQUAL Act would end the infamous disparity between sentences for crack and powder cocaine offenses and has already passed the House with an overwhelming bipartisan vote

These bills have broad support. There are many bipartisan ways to make our criminal justice system more humane, without risking public safety. Senators Schumer and McConnell, let's get it done.

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